

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
KANSAS CITY DIVISION**

**John A. Campagnuoloa, individually and  
on behalf of all other similarly situated,**

**Plaintiff,**

**v.**

**Cerner Corporation, Neal Patterson,  
Mark Naulten, and Paul Black.**

**Defendants.**

**Case No. 4:03-cv-00296-DW**

**Gustavo N. Garrido, individually and on  
behalf of all other similarly situated,**

**Plaintiff,**

**v.**

**Cerner Corporation, Neal Patterson,  
Earl H. Devanny, III, Clifford W. Illig,  
Marc G. Naulten, and Glenn P. Tobin**

**Defendants.**

**Case No. 4:03-cv-00299 (REL)**

**[additional captions follow on subsequent pages]**

**PHIL CRABTREE'S MOTION FOR LEAVE TO FILE SURREPLY  
AND SUGGESTIONS IN SUPPORT**

**Judith Altman, individually and on  
behalf of all other similarly situated,**

**Plaintiff,**

**v.**

**Neal Patterson, Earl H. Devanny, III,  
Clifford W. Illig, Glenn P. Tobin, and  
Cerner Corporation**

**Defendants.**

**Case No. 4:03-cv-00301 (GAF)**

**Brian K. Counsil, individually and on  
behalf of all other similarly situated,**

**Plaintiff,**

**v.**

**Cerner Corporation, Neal Patterson,  
Mark Naulten, and Paul Black**

**Defendants.**

**Case No. 4:03-cv-00427 (DW)**

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**Charles C. Schmidt, individually and on  
behalf of all other similarly situated,**

**Plaintiff,**

**v.**

**Neal Patterson, Mark Naulten, Paul  
Black and Cerner Corporation**

**Defendants.**

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**Case No. 4:03-cv-00431**

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**Dana Bible, individually and on behalf of  
all other similarly situated,**

**Plaintiff,**

**v.**

**Cerner Corporation, Neal Patterson,  
Earl H. Devanny, III, Clifford W. Illig,  
Mark Naulten, and Glenn P. Tobin**

**Defendants.**

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**Case No. 4:03-cv-00448 (JTM)**

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**Eugene Pronojust, individually and on  
behalf of all other similarly situated,**

**Plaintiff,**

**v.**

**Cerner Corporation, Neal Patterson,  
Mark Naulten, and Paul Black**

**Defendants.**

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**Case No. 4:03-cv-00449 (DW)**

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**Andrew Garner, individually and on  
behalf of all other similarly situated,**

**Plaintiff,**

**v.**

**Cerner Corporation, Neal Patterson,  
Mark Naulten, and Paul Black**

**Defendants.**

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**Case No. 4:03-cv-00436 (DW)**

**PHIL CRABTREE'S MOTION FOR LEAVE TO FILE SURREPLY  
AND SUGGESTIONS IN SUPPORT**

COMES NOW Phil Crabtree, Movant in the above captioned cases, and respectfully requests that the Court grant him leave to file a Surreply Brief. In support of this Motion, Crabtree states as follows:

1. The pending competing motions before the Court - concerning who shall serve as lead plaintiff and whether the lead plaintiff's choice of counsel will be approved - are critical issues in this litigation.

2. Movant Crabtree respectfully submits that the Surreply Brief, attached hereto as Exhibit 1, will aid the Court in deciding the important issues currently pending. Specifically, the Surreply addresses the following matters raised for the first time in the Reply Brief filed by Brian Porter, Larry McMans, Edward Franiuk, Wendell C. Kirkpatrick, and James Rice, the competing five-member group (the "Group"), (e.g. *Campagnuola* 4:03-cv-00296-DW Doc. No. 8):

- a. The Group's mis-citation to, *inter alia*, the SEC's position in the Baan case, a case which requires proposed groups to provide exactly the information the lawyer-driven group here has failed to produce, despite Crabtree's challenge;
- b. The Group's allegations that the undersigned has engaged in Rule 11 violations; and
- c. The Group's assertion that Crabtree cannot provide supplemental information to allow the Court to compare the competing movants' losses on a comparable FIFO basis.

Wherefore, Phil Crabtree respectfully requests that the Court enter its Order allowing the filing of the Surreply Brief. As requested in his July 2, 2003 Reply in Further Support of His Motion for Appointment of Lead Plaintiff, Movant Crabtree respectfully requests oral argument pursuant to Rule 7.1(g) on the issues of who should be appointed Lead Plaintiff. Pursuant to local rule a Proposed Order has been e-mailed to the courtroom deputy of Chief Judge Dean Whipple for the Court's convenience.

Dated: July 15, 2003

Respectfully submitted,

By     /s/ Angela K. Green    

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**CERTIFICATE OF SERVICE**

I, Angela Green, certify I mailed **PHIL CRABTREE'S MOTION FOR LEAVE TO FILE SURREPLY AND SUGGESTIONS IN SUPPORT**, by U.S. first class mail, postage prepaid, to the following attorneys on July 15, 2003:

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